Revenue

App. F. IX-4

Previous References

193 1.

File No. 323-31

Serial Nos. 1 + 2

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for July 1932..

SUBJECT:

Letting the pasch of village
[illegible] institutions

C. 13]

No. C.1395/31-32 & letter dt 4/5/32 in original

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore, 28th May / 2nd June *1932.*

REV. SECRETARIAT
1450.
8. JUN. 1932
MUZRAI.

FROM

S. HIRIANNAIYA, ESQ,. M.A., B.L.,
Muzrai Commissioner in Mysore.

To

R. Ranga Rao, Esq., B.A., B.L.,

Offg. Chief *Secretary to the Government of His Highness the Maharaja of Mysore.*

Department

2/6/32

SIR,

I have the honor to forward herewith in original Chitaldrug District Deputy Commissioner's letter No.A5-C.839/30-31 dated 4th -- May 1932 seeking instructions as to whether the jewels belonging to Sri Dyamalambike temple at Hireguntanur, Chitaldrug Taluk, a village Muzrai institution -- which are in the custody of one Patel Kenchappa could be recovered by the issue of a search warrant as suggested by the Sub Division Officer, Chitaldrug.

2. According to Rule 6(1) of the powers of Muzrai Officers ----- defined in Government Order No.1933-4/Muz.226-26-6 dated 21st April 1928, if a Dharmadarsi of a minor institution furnishes security to the extent of 1½ times the value of jewels belonging to the institution, jewels up to the maximum value of Rs.1000/- may be left in his custody for use on prescribed occasions. But nothing definite is said in these Rules re: Village institutions. The management of village institutions vests either in the Village Panchayet where one exists or in the hands of pujaris under the control of the local -- officials - the Patel and Shanbhogue (vide Government Order No.3514 25/Muz.371-13-2 dated 2nd April 1917. But it is extremely doubtful if on this authority the Patel or Shanbhogue can be allowed to -- retain jewels to any unlimited extent without taking proper sec...

3. The Patel seems to be unwilling to part with the jewels.

is reported to be not sound financially and it s considere --- unsafe to leave the costly jewels with him. The Sub Division Officer suggests that a search warrant may be issued under ----- Section 25 of the Land Revanue Code for the recovery of the -- jewels. As there are no definite rules prescribing the procedure for the recovery of temple jewellary, I request to be favoured -- with the legal opinion whether the same could be recovered by -- issuing a search warrant under Section 25 of the Land Revenue Code as suggested by the Sub Division Officer, Chitaldrug.

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.

1) This may kindly be referred to Law Secy for opinion on the proposal of this Dy C.S. 9/1/32 - Marked A. Secy 10/1/32

2) The Jewels belonging to Temples which are Village Mugrai Institutions are on the same footing as those in other Major or Minor Mugrai Institutions and all powers available for recovery of Govt property may be resorted to in these Cases also. The Law Deptt may be consulted. 11/6/32

Jr Secy)

3) Yes 12/6 15/6

4) Law Section with Compliments 15/6/32

Serial No.

5 For the purpose of recovering public papers or other property appertaining to Government, section 25 of the Land Revenue Code enables the Deputy Commissioner to issue a search warrant and to exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the Criminal Procedure Code. If therefore the temple jewels of a village Mutrai institution can be said to be "property appertaining to Government", the answer to the Mutrai Commissioner's question at "A" supra has to be in the affirmative. A property can be said to appertain to a person when it belongs to him by virtue of a right either of ownership or of possession or control. Since under section 3 of the Religious and Charitable Institutions Regulation, 1927, the Chief Controlling authority in all matters connected with a Muzrai institution is vested in Government, it cannot be denied that Government has a right of possession and control over the property of such an institution. In this view, action as proposed by the Deputy Commissioner may be taken.

6 It is however a matter for some consideration, if it is not possible for the Deputy Commissioner and Revenue Officers concerned to coerce the Patel to deliver the temple property in question, without having recourse to the use of section 25 of the Land Revenue Code. The Patel after all is a subordinate revenue officer and holds the property only as a Dharmadarshi. He cannot in such circumstances refuse to obey the directions of the Deputy Commissioner without exposing himself to loss of office and perhaps to criminal prosecution for breach of trust or misappropriation. For

NOTE—Contn. Sheet.

File No. of 193 (-2 Gener Se

Criminal Procedure Code gives enough powers in such cases to the Police and the Magistracy to take quick action to prevent any offence being committed.

Under these circumstances, it appears strange that such a reference should be made to Government entailing considerable delay, instead of prompt action being taken in the matter.

Gen Secy) Jafer

24/6

355 Laws

GENERAL SECRET 25 JUN 1932 No.

937 28/6

27/6/32

Jail Govt Comptt

27/6

The above opinion will be communicated to Inspecting Asst. Comm. (Para) may be advised

28/6/32

28/6/32

29.6.32

28/6/32

28/6/32

28/6/32

28 JUNE 1932 No. 8561

TYPING SECTION JUL 1932

No 12 dy 2.7.32 to the Inspecting Commissioner communicating the legal opinion for necessary action

1/7/32

B 1 417

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, **1st July 1932**

No. 12/Inam/Encl/.

From . **S. Shamanna Esq., B.A.,**

Financial ~~Chief~~ *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

S. P. Rajagopalachari Esq., B.A., B.L.,
Muzrai Commissioner in Mysore.

~~Sir~~

Subject.

Regarding recovery of jewels belonging to Sri Dyamalambike temple at Hireguntanur, Chitaldrug Taluk from the custody of Patel Kenchappa.

Sir,

With reference to your letter No.C.1395/31-32 dated 2nd June 1932 on the above subject, I am directed to convey the following legal opinion on the point sought for by you and to request that necessary further action may be taken in the matter accordingly:-

For the purpose of recovering public papers or other property appertaining to Government, section 25 of the Land Revenue Code enables the Deputy Commissioner to issue a search warrant and to exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the Criminal Procedure Code. If therefore the temple jewels of a village Muzrai institution can be said to be "property appertaining to Government", the answer to the Muzrai Commissioner's question at "A" supra has to be in the affirmative. A property can be said to appertain to a person when it belongs to him by virtue of a right either of ownership or of possession or control. Since under section 3 of the Religious and Charitable institutions Regulation, 1927, the Chief Controlling authority in all matters connected with a Muzrai institution is vested in Government, it cannot be denied that

Government has a right of possession and control over the property of such an institution. In this view, action as proposed by the Deputy Commissioner may be taken.

It is however a matter for some consideration, if it is not possible for the Deputy Commissioner and the Revenue Officers concerned to coerce the Patel to deliver the temple property in question, without having recourse to the use of section 25 of the Land Revenue Code. The Patel after all is a subordinate revenue officer and holds the property only as a Dharmadarsi. He cannot under such circumstances refuse to obey the directions of the Deputy Commissioner without exposing himself to loss of office and perhaps to a criminal prosecution for breach of trust or misappropriation. Even the Criminal Procedure Code gives enough powers in such cases to the Police and the Magistracy to take quick action to prevent any offence being committed.

I have the honor to be,

Sir,

Your most obedient servant,

B Rama Rau

for Financial Secretary to Government

9-3

B.K.M.2

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SUBJECT .....

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Section mu3

File No.

Serial No.

Diary No. of letter replied to ...1460.....

No. 12/233 Genl

To

The m.c

General and Revenue Secretariat

( )

the *193*

Subject:—

~~Sir,~~ Re: recovery of jewels belonging to Sri Dyan alambike

Date of issue .....2.7.32.....

Signed by .....

Incharge at Hire ground camp Chilaw on TK from the custody of Patel Kuneapp

Sir,

I. In regard to your letter No C 13 957/31-32 of 2.6.32 on the above subject, I am directed to convey the ~~following~~ following legal observations on ~~which necessary further~~ action may be taken in the matter accordingly:—

(Here enter paras 5 to 6 of the notes—see pages 3 to)

List of enclosures .....

Copied by .....

Examined by .....

I have the honour to be, Sir,

Your obedient servant,

for Secretary,

Board of Revenue

WD 71—GBPM—40,000—20-7-31.